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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/522,325

Applicant(s)

ZONOUN, MOHAMMAD
R.09522325

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-120 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-120 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/06/2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-14, 17-22, 24-36, 38-52 and 54-120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham et al. (U.S. Patent 6,124,806) in view of Newman (U.S. Patent 5,835,907).

Regarding Claims 1, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages), the activation message being sent from an activator via a

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communication medium (Cunningham, Col.4, Lines 56-58, wherein the sensor interface module is an activator which transmit the information over unlicensed radio frequency bands.), the decoder generating an activation command (Cunningham, Col.2, Lines 58-62, wherein the data collection module transmit the information to the host module) and a transmitting unit coupled to the decoder to transmit a signal modulated from an information message (Cunningham, Col.4, Lines 60-63, wherein the data collection module transmit the information to the host module over the commercially available information transmission systems) to a receiver using a communication protocol, in response to the activation command (Cunningham, Col.4, Lines 58--62, wherein the data collection module transmits whenever it receives information from sensor interface modules, and transmits using a communication protocol associated with a commercially available information transmission system). Cunningham does not teach that the activation is in response to a telephony call.

Newman, however, teaches that the activation is in response to a telephone call (Newman, Col.2, Lines 43-49).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham, so the remote metering can also be manually activated by a phone call.

Regarding Claim 2, Cunningham further teaches the receiver is coupled to a server (Cunningham, Col.4, Lines 62-67, host module), the server embedding the information message in network data to be sent over a network (Cunningham, Col.4,

Lines 64-65, communicate through commercially available information transmission system).

Regarding Claim 3, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the communication protocol uses one of a multi-frequency tone, an ultra-red signal, a microwave signal, and an electromagnetic signal.

Newman teaches the communication protocol uses one of a multi-frequency tone, an ultra-red signal, a microwave signal, and an electromagnetic signal (Newman, Col.4, Line 38, electromagnetic signal).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 4, Cunningham further teaches the transmitting unit comprises a modulator to modulate the information message according to a modulating scheme (Cunningham, Fig.1, Fig.19 and Fig.30, Col.4, Lines 58-62, wherein it is inherent when the data collection modules transmit with signal modulation).

Regarding Claim 7, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the information message includes a location identifier corresponding to location of the transmitting.

Newman teaches the information message includes a location identifier corresponding to location of the transmitting (Newman, Col.1, Lines 6-11).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 8, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the apparatus of claim 7 wherein the location identifier includes global positioning system (GPS) information.

Newman teaches the apparatus of claim 7 wherein the location identifier includes global positioning system (GPS) information (see Newman, Fig.1 and Col.1, Lines 6-11 and see column 3, lines 19-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 9, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the telephony call is made by a person located in proximity of the location of the transmitter.

Newman teaches the telephony call is made by a person located in proximity of the location of the transmitter (Newman, Fig.1, 128).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham, so the remote metering can also be manually activated by a phone call.

Regarding Claim 10, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is

inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the telephony call is an emergency call using an emergency call number.

Newman teaches the telephony call is an emergency call using an emergency call number (Newman, Fig.1, 124).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 11, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages), the decoder generating an activation command (Cunningham, Col.2, Lines 58-62, wherein the data collection module transmit the information to the host module), and a receiving unit coupled to the decoder to receive a signal containing an information message responsive to the activation command (Cunningham, Col.4, Lines 58--62, wherein the data collection module transmits whenever it receives information from sensor interface modules, and transmits using a communication protocol associated with a commercially available information transmission system), the information message being sent from a transmitter according

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to a communication protocol via a communication medium (Cunningham, Col.4, Lines 58--62, wherein the data collection module transmits whenever it receives information from sensor interface modules, and transmits using a communication protocol associated with a commercially available information transmission system).

Cunningham does not teach that the activation message being sent from an activator in response to a telephony call.

Newman, however, teaches that the activation message being sent from an activator in response to a telephony call (Newman, Col.2, Lines 43-49).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham, so the remote metering can also be manually activated by a phone call.

Regarding Claim 12, Cunningham further teaches the receiving unit is coupled to a server, the server embedding the information message in network data to be sent over a network (Cunningham, Figs.48 & 4).

Regarding Claim 13, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the communication protocol uses one of a multi-frequency tone, an ultra-red signal, a microwave signal, and an electromagnetic signal.

Newman teaches the communication protocol uses one of a multi-frequency tone, an ultra-red signal, a microwave signal, and an electromagnetic signal (Newman, Col.4, Line 38, electromagnetic signal).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 14, Cunningham further teaches the receiving unit comprises a demodulator to demodulate the signal according to a demodulating scheme (Cunningham, Fig.1, Fig.19 and Fig.3).

Regarding Claim 17, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the information message includes a location identifier corresponding to location of the transmitting unit.

Newman teaches the information message includes a location identifier corresponding to location of the transmitting unit (Newman, Col.1, Lines 6-11).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of

Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 18, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the location identifier includes global positioning system (GPS) information.

Newman teaches the location identifier includes global positioning system (GPS) information (Newman, Fig.1).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 19, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the telephony call is made by a person located in proximity of the transmitter.

Newman teaches the telephony call is made by a person located in proximity of the transmitter (Newman, Fig.1).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham, so the remote metering can also be manually activated by a phone call.

Regarding Claim 20, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the telephony call is an emergency call using an emergency call number.

Newman teaches the telephony call is an emergency call using an emergency call number (Newman, Fig.1).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 21, Cunningham teaches a network comprising a plurality of commonly coupled location transmitters, each transmitter comprising a transmission unit to broadcast a signal modulated from an information message (Cunningham, Col.4,

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Lines 60-63, wherein the data collection module transmit the information to the host module over the commercially available information transmission systems).

Cunningham does not specifically disclose each transmitter comprising a transmission unit to broadcast a signal modulated from an information message containing respective location in response to a telephone call.

Newman, however, teaches each transmitter comprising a transmission unit to broadcast a signal modulated from an information message containing respective location information (Newman, Col.2, Lines 43-49 and Col.1, Lines 6-11 and see column 3, lines 19-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 22, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the transmission unit of a transmitter broadcasts the respective location information on a substantially periodic basis.

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Newman teaches the transmission unit of a transmitter broadcasts the respective location information on a substantially periodic basis (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 24, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the transmission unit of a transmitter broadcasts the respective location information responsive to an activation request upon receipt of the telephony call.

Newman teaches the transmission unit of a transmitter broadcasts the respective location information responsive to an activation request upon receipt of the telephony call (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 25, Cunningham further teaches at least one of the plurality of transmitters comprises a reception unit coupled to the transmission unit of the at least one of the plurality of transmitters, the reception unit to receive the activation request and to notify the transmission unit of such receipt (Cunningham, Fig.30).

Regarding Claim 26, Cunningham further teaches each transmitter further comprises a reception unit coupled to the transmission unit to receive an activation request and to notify the transmission unit of such receipt; and wherein the reception units of a set of the transmitters to receive the activation request at substantially the same time (Cunningham, Figs.1, 19 & 30).

Regarding Claim 27, Cunningham further teaches the set of the transmitters comprises all of the plurality of transmitters in the network (Cunningham, Figs.1, 19 & 30).

Regarding Claim 28, Cunningham further teaches the set of the transmitters comprises less than all of the plurality of transmitters in the network (Cunningham, Figs.1, 19 & 30).

Regarding Claim 29, Cunningham further teaches the transmitters are geographically dispersed to form a distributed location broadcast system (Cunningham, Figs.1, 19 & 30).

Regarding Claim 30, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is

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inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose the transmission unit of a transmitter broadcasts respective broadcast information in a format consistent with at least one of an identification tag, an absolute location, and a relative location.

Newman teaches the transmission unit of a transmitter broadcasts respective broadcast information in a format consistent with at least one of an identification tag, an absolute location, and a relative location (Newman, Col.4, Lines 53-62).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 31, Cunningham teaches an apparatus comprising: a decoder to decode an activation message (Cunningham, Col.4, Lines 58-62, wherein the data collection module will gather the information from sensor interface modules. It is inherent that the data collection module includes a decoder to decode the received the information or messages).

Cunningham does not specifically disclose a network component capable of coupling to a first transmitter of the plurality of transmitters to receive and process the respective location information broadcast by the first transmitter.

Newman teaches a network component capable of coupling to a first transmitter of the plurality of transmitters to receive and process the respective location information

broadcast by the first transmitter (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 32, Cunningham further teaches a server coupled to the plurality of transmitters to selectively issue the activation request to the plurality of transmitters (Cunningham, Figs.48 & 49).

Regarding Claim 33, Cunningham further teaches a network component capable of sensing at least one of the plurality of transmitters (Cunningham, Col.4, Lines 60-63, wherein the data collection module transmit the information to the host module over the commercially available information transmission systems), the network component comprising: a sensor capable of at least intermittent coupling to a first transmitter of the plurality of transmitters to receive the respective location broadcast by the first transmitter (Cunningham, Col.4, Lines 58--62, wherein the data collection module transmits whenever it receives information from sensor interface modules, and transmits using a communication protocol associated with a commercially available information transmission system).

Cunningham does not specifically disclose a location determination unit coupled to the sensor to process the received respective location information, and a network

interface to externally issue the respective location information in accordance with a packet data format.

Newman, however, teaches a location determination unit coupled to the sensor to process the received respective location information, and a network interface to externally issue the respective location information in accordance with a packet data format (Newman, Col.2, Lines 43-49 and Col.1, Lines 6-11 and see column 3, lines 19-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 34, Cunningham as modified by Newman further teaches a server coupled to the plurality of transmitters to selectively issue the activation request to the plurality of transmitters responsive to a location event, and a packet network interposing the network interface of the network component and the server, the packet network to bear the packetized, respective location information to said server (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 35, Cunningham as modified by Newman further teaches the network of Claim 34, wherein the location event is generated by the network component (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 36, Cunningham as modified by Newman teaches the network of Claim 35, wherein the location event comprises an emergency call (Newman, Col.2, Lines 21-29).

Regarding Claim 38, Cunningham teaches a network comprising a plurality of commonly coupled location transmitters (Cunningham, Col.4, Lines 60-63, wherein the data collection module transmit the information to the host module over the commercially available information transmission systems). Cunningham does not specifically disclose receiving a location information request, the location information request requiring a location information, generating at least one data packet comprising the location information; and transmitting the at least one data packet in response to the location information request.

Newman teaches receiving a location information request, the location information request requiring a location information, generating at least one data packet comprising the location information; and transmitting the at least one data packet in response to the location information request (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claim 39, Cunningham further teaches the method of claim 18, wherein the data packet complies with Internet Protocol (Cunningham, Fig.46).

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Regarding Claim 40, Cunningham as modified by Newman further teaches the method of claim 38, wherein the receiving of the location information is performed by a receiver (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 41, Cunningham as modified by Newman teaches the method of claim 38, further comprising: storing the location information in a store for storing location information (Newman, Fig.2, 216).

Regarding Claim 42, Cunningham as modified by Newman teaches the method of claim 38, further comprising: receiving the location information from a location information receiving device (Newman, Col.2, Lines 22-29, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 43, Cunningham as modified by Newman teaches the method of claim 42, wherein the location information receiving device is a Global Positioning System receiver (Newman, Col.2, Lines 22-29, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 44, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information is an absolute reference to a location (Newman, Col.2, Lines 22-29, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 45, Cunningham as modified by Newman teaches the method of claim 44, wherein the absolute reference comprises geographic coordinates (Newman, Col.2, Lines 22-29).

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Regarding Claim 46, Cunningham as modified by Newman teaches the method of claim 44, wherein the absolute reference contains a location address (Newman, Col.5, Lines 21-22, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 47, Cunningham as modified by Newman teaches the method of claim 44, wherein the absolute reference comprises Global Positioning System data (Newman, Col.2, Lines 22-29).

Regarding Claim 48, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information comprises a relative reference to a location (Newman, Col.5, Lines 1-40, GIS, map correlation).

Regarding Claim 49, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information comprises a predetermined code associated with a location (Newman, Figs.2 & 3 and Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 50, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information request is generated in response to an emergency telephony call (Newman, Col.2, Lines 43-49, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 51, Cunningham as modified by Newman teaches the method of claim 38, wherein the location information request originates from a networkable component (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 52, Cunningham as modified by Newman teaches the method of claim 51, wherein the networkable component is an emergency server (Newman, Fig.1, 124).

Regarding Claim 54, Claim 54 is rejected with the similar reason as set forth in Claim 38.

Regarding Claim 55, Claim 55 is rejected with the similar reason as set forth in Claim 47.

Regarding Claim 56, Claim 56 is rejected with the similar reason as set forth in Claims 36 and 37.

Regarding Claim 57, Claim 57 is rejected with the similar reason as set forth in Claim 38.

Regarding Claim 58, Claim 58 is rejected with the similar reason as set forth in Claim 47.

Regarding Claim 59, Claim 59 is rejected with the similar reason as set forth in Claims 36 and 37.

Regarding Claim 60, Cunningham teaches a network comprising a plurality of commonly coupled location transmitters, each transmitter comprising a transmission unit to broadcast a signal modulated from an information message (Cunningham, Col.4, Lines 60-63, wherein the data collection module transmit the information to the host module over the commercially available information transmission systems).

Cunningham does not specifically disclose a location sensor to provide location information, a determination unit coupled to the sensor, the determination unit to

determine the location information, and a network interface coupled to the determination unit to selectively transmit the location information over a network.

Newman, however, teaches a location sensor to provide location information, a determination unit coupled to the sensor, the determination unit to determine the location information, and a network interface coupled to the determination unit to selectively transmit the location information over a network (Newman, Col.2, Lines 43-49 and Col.1, Lines 6-11 and see column 3, lines 19-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Newman into the teaching of Cunningham in order to send the location information over wireless medium to an emergency service.

Regarding Claims 61, 81 and 101, Claims 61, 81 and 101 are rejected with the similar reason as set forth in Claim 1.

Regarding Claims 62, 82 and 102, Claims 62, 82 and 102 are rejected with the similar reason as set forth in Claim 2.

Regarding Claims 63, 83 and 103, Claims 63, 83 and 103 are rejected with the similar reason as set forth in Claim 3.

Regarding Claims 64, 84 and 104, Claims 64, 84 and 104 are rejected with the similar reason as set forth in Claim 4.

Regarding Claims 65, 85 and 105, Claims 65, 85 and 105 are rejected with the similar reason as set forth in Claim 5.

Regarding Claims 66, 86 and 106, Claims 66, 86 and 106 are rejected with the similar reason as set forth in Claim 6

Regarding Claims 67, 87 and 107, Claims 67, 87 and 107 are rejected with the similar reason as set forth in Claim 7.

Regarding Claims 68, 88 and 108, Claims 68, 88 and 108 are rejected with the similar reason as set forth in Claim 8.

Regarding Claims 69, 89 and 109, Claims 69, 89 and 109 are rejected with the similar reason as set forth in Claim 9.

Regarding Claims 70, 90 and 110, Claims 70, 90 and 110 are rejected with the similar reason as set forth in Claim 10.

Regarding Claims 71, 91 and 111, Claims 71, 91 and 111 are rejected with the similar reason as set forth in Claim 11.

Regarding Claims 72, 92 and 112, Claims 72, 92 and 112 are rejected with the similar reason as set forth in Claim 12.

Regarding Claims 73, 93 and 113, Claims 73, 92 and 113 are rejected with the similar reason as set forth in Claim 13.

Regarding Claims 74, 94 and 114, Claims 74, 94 and 114 are rejected with the similar reason as set forth in Claim 14.

Regarding Claims 75, 95 and 115, Claims 75, 95 and 115 are rejected with the similar reason as set forth in Claim 15.

Regarding Claims 76, 96 and 116, Claims 76, 96 and 116 are rejected with the similar reason as set forth in Claim 16.

Regarding Claims 77, 97 and 117, Claims 77, 97 and 117 are rejected with the similar reason as set forth in Claim 17.

Regarding Claims 78, 98 and 118, Claims 78, 98 and 118 are rejected with the similar reason as set forth in Claim 18.

Regarding Claims 79, 99 and 119, Claims 79, 99 and 119 are rejected with the similar reason as set forth in Claim 19.

Regarding Claims 80, 100 and 120, Claims 80, 100 and 120 are rejected with the similar reason as set forth in Claim 20.

4. Claims 5, 6, 15, 16, 23, 37 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of Newman and further in view of Kennedy, III et al. (U.S. Patent 5,544,225).

Regarding Claim 5, Cunningham as modified by Newman teaches the apparatus of claim 4. Cunningham and Newman fail to teach that the modulation scheme is compatible with a sound signal.

Kennedy, however, teaches that the modulating scheme is compatible with a sound signal (Kennedy, Col.6, Lines 1-3).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Johnson into the teaching of Cunningham and Newman, so the remote metering and location information can be transmitted in either digital or analog forms.

Regarding Claim 6, Cunningham as modified by Newman and Kennedy teaches the apparatus of claim 5 wherein the modulating scheme uses a pseudo random binary sound (PRBS) (Kennedy, Col.6, Lines 1-3).

Regarding Claim 15, Cunningham as modified by Newman and Kennedy teaches the apparatus of claim 14 wherein the demodulating scheme is compatible with a sound signal (Kennedy, Col.6, Lines 1-3).

Regarding Claim 16, Cunningham as modified by Newman and Kennedy teaches the apparatus of claim 15 wherein the demodulating scheme uses a pseudo random binary sound (PRES) (Kennedy, Col.6, Lines 1-3).

Regarding Claim 23, Cunningham as modified by Newman and Kennedy teaches the network of Claim 21, wherein the transmission unit of a transmitter broadcasts the respective location information on a substantially continuous basis (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 37, Cunningham as modified by Newman and Kennedy teaches the network of Claim 34, further comprising an e-commerce transaction processor coupled to the packet network, wherein the location event is generated by the e-commerce transaction processor (Newman, Col.1, Lines 6-11 and see column 3, lines 19-30).

Regarding Claim 53, Cunningham as modified by Newman and Kennedy teaches the method of claim 51, wherein the networkable component comprises an association with a commercial transaction (Kennedy, Fig.1).

Response to Arguments

5. Applicant's arguments (regarding claims 11-20, 38-59, 71-79, 91-100 and 111-120) filed 07/06/2004 have been fully considered but they are not persuasive.

On page 18 of Applicant's remarks, Applicant argues that Cunningham does not disclose sending an activation message in response to a telephone call.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Newman teaches sending an activation message in response to a telephone call (Newman, Col.2, Lines 43-49), and the combination of Cunningham and Newsman indeed teaches Applicant's claimed limitation. In addition, Applicant's attention is directed to the rejection of claim 1 above.

On pages 18, 19 and 20 of Applicant's remarks, Applicant further argues that there is no motivation to combine Cunningham, Newsman and Kennedy.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to

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do so found in the references themselves so that the remote metering can also be manually activated by a phone call *and* the remote metering and location information can be transmitted in either digital or analog forms.

On page 20 of Applicant's remarks, Applicant further argues that Cunningham, Newman and Kennedy take alone or in combination, does not teaches a decoder to decode an activation message, the activation message the being sent from an activator in response to a telephone call, the decoder generating an activation command, a transmitter/receiver to transmit/receive an information message response to the activation command.

In response, Cunningham, column 4, lines 58-62, wherein the data collection module will gather the information from sensor interface modules, it is inherent that the data collection module 10 includes a decoder to decode the received the information or messages or generating an activation command, and Cunningham further teaches the activation message the being sent from an activator in response to a telephone call and a transmitter/receiver to transmit/receive an information message response to the activation command, see column 7, lines 3-8 which states "*Data collection modules 110 with secondary responsibility for a multiple-path sensor interface module 106 will not transmit information from that multiple-path sensor interface module 106 during normal transmissions, and will only transmit the information from that multiple-path sensor interface module 106 upon a transmit request.*" And see column 44, lines 61-64 for "*customer's request*". Cunningham inherently teaches an activation message in order

to activate the data collection modules 110 so that the data collection modules 110 will know when to transmit or when not to transmit the information upon a transmit request.

On page 20 of Applicant's remarks, Applicant further argues that the sensor interface module or the data collection modules disclosed in Cunningham are neither decoder nor activator.

In response, Cunningham indeed teaches a decoder (see Examiner's answer above) and an activator, see column 4, lines 56-58, *"the sensor interface module will send this information to the data collection module"*. Therefore, the sensor interface module is an activator.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

(d4)
03/11/05

Maisha O. Banks-Harold

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